REMARKS

Claims 1-5, and 8-13 stand rejected under 25 U.S.C. §112, second paragraph as indefinite based on the term "gel-like". This term has been deleted from all claims. The rejection, therefore, should be withdrawn.

The Examiner states that "bulk", "powder", "particle" are unclear. (Claims 4 and 12 have been amended to claim "sheet" form only. The rejection of claim 4 under 35 U.S.C. §112, second paragraph, should be withdrawn.

Claims 1, 4, 8, 9 and 12 stand rejected under 35 U.S.C. §102(a) as being anticipated by Neumann et al. 5,645,845 ('845). Neuman, et al. disclose garlic oil. However, garlic oil does not contain allyl isothiocyanate (CH_2=$ChCh_2NCS$) but diallyl sulfide ((CH_2=$CHCH_2)_2S$). The rejection based on Neumann ('845), therefore, should be withdrawn.

Claims 1-5 and 8-13 are rejected under 35 U.S.C. §103(a) as being obvious over Tokuei '608, in view of Fujita '661 and Fujita '150. Tokuei '608 discloses an allyl isothiocyanate antibacterial substance vaporizing apparatus. However, Tokuei '608 does not teach or suggest a gel of the allyl isothiocyanate antibacterial substance in a polyurethane resin base.

Fujita '661 teaches a control release composition comprising a allyl isothiocyanate and rosin, in combination with various resins, such as polyethylene and polyurethane. In Fujita '661, however, a polyurethane resin is not used and allyl isothiocyanate is diluted with rosin without forming a gel. Moreover, the content of allyl isothiocyanate is 0.2 - 20% by weight. Such dilution of allyl isothiocyanate results in a substantial decrease of the antibacterial effect of the ally isothiocyanate. Further, as set forth at page 4, lines 19+ of applicants' specification, applicants have found that when the allyl isothiocyanate is gelled with a resin, as claimed ...

> "When the content of allyl isothiocyanate is not more than 20% by weight, the resulting gelled drug is hard, and the allyl isothiocyanate does not migrate from the interior to the surface of the gel, thereby undesireably shortening the useful time period for ally isothiocyanate volatilization."

Fujita '150 discloses a package of an antibacterial agent. However, Fujita '150 does not disclose or suggest using a polyurethane resin base to form a gelled drug of the allyl isothiocyanate to provide long lasting volatilization, as claimed herein by applicants.

Since applicants now have claimed the correct concentration of allyl isothiocyanate needed to provide long lasting volatilization when gelled with a polyurethane resin base, and since these features are neither disclosed nor suggested in the prior art of record, it is submitted that the rejection based on Tokuei '608, Fujita '661 and Fujita '150 should be withdrawn.

It is submitted that the method claims 6, 7, 14 and 16 are allowable for the reasons set forth with reference to the article claims, without resort to filing a divisional application. Withdrawal of the restriction requirements is hereby respectfully requested.

It is also submitted that all claims are now of proper form and scope for allowance. Early and favorable consideration is respectfully requested.

Dated: December 2, 2003

Respectfully submitted,

By 

Richard H. Anderson
Registration No.: 26,526
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant